

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 300 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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BOMBAY-GARAGE AHMEDABA LTD

Versus

STATE OF GUJARAT

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Appearance:

MR HR PRAJAPATI for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

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CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 16/06/1999

ORAL JUDGEMENT

#. Heard Mr.Prajapati, learned advocate for the revisioner.

#. Rule. Mr.Trivedi, learned APP appears for the respondent State and waives service of rule.

#. In peculiar facts and circumstances of the case, this matter is taken up for final hearing today.

#. The revisioner's Criminal Appeal No : 44/99 which was filed on 23rd April, 1999 came to be dismissed for non removal of the office objection by the learned City Sessions Judge, Ahmedabad on 28th April, 1999. The office objection was to the effect that the certified copy of the judgment and order in question was not furnished.

#. Having gone through the revision memo and having heard the learned advocate for the revisioner, this Court is satisfied that the interest of justice requires that the impugned order be set aside and the revisioner's appeal may be restored to file and he may be permitted to have decision on merits and hence the following order;

#. The impugned order is hereby set aside. The Criminal Appeal No : 44 of 1999 in the Court of City Sessions Judge at Ahmedabad is ordered to be restored to its file on condition that the revisioner shall produce the certified copy of the impugned order challenging that appeal on or before 23rd of this month and the learned City Sessions Judge shall decide the appeal thereafter on merits after hearing both the sides.

#. Mr.Prajapati requests for return of certified copy of the impugned order which is produced herein. The Department is directed to return the certified copy to the revisioner / advocate of the revisioner on condition that the revisioner shall produced the xerox copy thereof for the purpose of record of this Court.

#. Rule is made absolute. No costs. The petition stands disposed of accordingly. Direct Service is permitted.

Date : 16-6-1999 [A.L.Dave, J.]

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